



**GOVERNOR'S OFFICE OF EMERGENCY SERVICES**  
**LAW ENFORCEMENT AND VICTIM SERVICES DIVISION**

3650 SCHRIEVER AVENUE  
MATHER, CALIFORNIA 95655  
(916) 324-9225  
FAX: (916) 323-1756



October 24, 2007

To: The Honorable William Bratton, City of Los Angeles Chief of Police  
The Honorable John McGinness, County of Sacramento Sheriff  
The Honorable William Lansdowne, City of San Diego Chief of Police  
The Honorable Robert Davis, City of San Jose Chief of Police

Subject: Internet Crimes Against Children Program (ICAC) Request for Application (RFA)  
1/1/08-12/31/08

The Governor's Office of Emergency Services is pleased to announce the release of the Internet Crimes Against Children Task Force Program (ICAC) Request for Application. This funding opportunity is available to the four California ICAC Task Forces, which include the City of Los Angeles Police Department; the County of Sacramento Sheriff's Department; the City of San Diego Police Department; and the City of San Jose Police Department.

It is anticipated that the four ICAC Task Forces will be allocated \$250,000 each for the 12-month grant period beginning January 1, 2008 and ending December 31, 2008. There is no match on allocated funds. Funding is contingent upon the passage of the State Budget Act, successful project performance and compliance of the grant award agreement.

Please note the deadline for submission of ICAC Program applications is Friday, November 16, 2007. All proposals must be **postmarked by Friday November 23, 2007, or hand delivered to this office by 5:00 p.m. on the same day to:**

Governor's Office of Emergency Services  
Law Enforcement and Victim Services Division  
3650 Schriever Avenue  
Mather, CA 95655  
Attn: ICAC RFA – Crime Suppression Section

Should you have any questions regarding this program or the RFA, please contact Ann Saldubehere, ICAC Program Specialist, Crime Suppression Section, at 916-324-9225.

Sincerely,

JOHN ISAACSON, Chief  
Crime Suppression Section

c: Detective III Chris Lopez-Ruedas  
Lt. Bob Lozito  
Sgt. Chuck Arnold  
Sgt. Tom Sims

This document is designed to be interactive electronically with fillable forms which are available on the OES website in "Forms" at [www.oes.ca.gov](http://www.oes.ca.gov). Users need to use Adobe Reader 8.0 (free software) in order to access and save the text of their completed forms. A link to Adobe is provided at the bottom of the "Forms" pages.

**GOVERNOR'S OFFICE OF EMERGENCY SERVICES  
LAW ENFORCEMENT AND VICTIM SERVICES DIVISION**

**INTERNET CRIMES AGAINST CHILDREN PROGRAM (ICAC)  
REQUEST FOR APPLICATION**

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- IV. **FORMS** - Click (FORMS) to get the required forms listed below, **or** go to [www.oes.ca.gov](http://www.oes.ca.gov) and select “Forms”, **or** paste the following link into your browser:  
**[www.oes.ca.gov/Operational/OESHome.nsf/CJPDHome?OpenForm](http://www.oes.ca.gov/Operational/OESHome.nsf/CJPDHome?OpenForm)**

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GOVERNOR'S OFFICE OF EMERGENCY SERVICES  
LAW ENFORCEMENT AND VICTIM SERVICES DIVISION

INTERNET CRIMES AGAINST CHILDREN PROGRAM (ICAC)  
REQUEST FOR APPLICATION

**PART I – INFORMATION**

**A. INTRODUCTION**

This Request for Application (RFA) provides the information and forms necessary to prepare an application for the Governor's Office of Emergency Services (OES) grant funds. The terms and conditions described in this RFA supersede previous RFAs and conflicting provisions stated in the *Recipient Handbook*. The *Recipient Handbook* provides helpful information for developing the application and can be accessed at the website [www.oes.ca.gov](http://www.oes.ca.gov) by selecting "Recipient Handbooks."

**B. CONTACT INFORMATION**

Questions concerning this RFA, the application process, or programmatic issues should be submitted to the below contact person by telephone, fax, or e-mail.

Ann Saldubehere  
Senior Criminal Justice Specialist  
Crime Suppression Unit  
916-324-9225  
916-323-1756  
[ann.saldubehere@oes.ca.gov](mailto:ann.saldubehere@oes.ca.gov)

**C. APPLICATION DUE DATE AND SUBMISSION OPTIONS**

***One original and one copy*** of the application must be delivered to OES' Law Enforcement and Victim Services Division by the date and time indicated below. Submission options are:

1. Regular and Overnight mail, **postmarked by November 30, 2007**, to:

Governor's Office of Emergency Services  
Law Enforcement and Victim Services Division  
3650 Schriever Avenue  
Mather, CA 95655  
Attn: Internet Crimes Against Children Program  
Crime Suppression Unit

2. Hand delivered by **5:00 p.m. on November 30, 2007**, to:

Governor's Office of Emergency Services  
Law Enforcement and Victim Services Division  
3650 Schriever Avenue  
Mather, CA 95655  
Attn: Internet Crimes Against Children Program  
Crime Suppression Unit

#### **D. ELIGIBILITY**

The following four Internet Crimes Against Children Task Forces in California are solely eligible to receive funding under this Internet Crimes Against Children Program (ICAC):

Los Angeles Police Department  
Sacramento County Sheriff's Department  
San Diego Police Department  
San Jose Police Department

#### **E. FUNDS**

The funding cycle for this award is 12 months, beginning January 1, 2008, and ending December 31, 2008. OES anticipates that a total of \$1,000,000 in grant funds will be made available during the grant cycle, to be equally distributed at \$250,000 per recipient.

Funding for ICAC is derived from State Restitution funds with no match requirement.

ICAC serves to expand the activities of the four existing ICAC Task Forces in California, involving the investigation, arrest and prosecution of individuals who use the Internet to exploit children and by increasing training opportunities to law enforcement and the public regarding cyber criminals who prey on children and teens, among other objectives.

#### **F. PROGRAM INFORMATION**

Funds provided under this program area intended to ensure that local law enforcement agencies are more adequately equipped to investigate computer crimes against children by offenders using the Internet, on-line communication systems, and other technologies; to provide educational programs aimed at law enforcement officers, teachers, parents, and children; to serve as a forensic resource to law enforcement agencies within each service area; to prosecute cases at the local, state, and federal level; and to participate in nationally-coordinated investigations.

OES requires each ICAC Task Force follow guidelines/protocols that are based upon the national ICAC guidelines/protocols for the investigation of child exploitation crimes.

##### **1. Administrative Requirements**

###### **a. 2006 Recipient Handbook**

The *2006 Recipient Handbook* contains administrative information and requirements necessary to implement the project. Projects must administer grants in accordance with the *2006 Recipient Handbook* requirements in effect at the time of grant award agreement. Failure to comply with these requirements can result in the withholding or termination of the grant award. The most current edition of the *2006 Recipient Handbook* can be located at [www.oes.ca.gov](http://www.oes.ca.gov).

###### **b. Progress Reports and Data Collection**

Funded projects are required to participate in data collection and to submit reports required by the program. A 90-day status report detailing the activities during the implementation period is required for all projects as this is the first year of grant funding under the ICAC Program. Additionally, all projects will submit a six-month progress report covering the first

six months, and a final progress report, which covers the entire 12-month period. Progress reports are due 30 days after the end of each reporting period.

c. Asset Seizure and Forfeiture Reporting

Projects receiving any grant-related funds are required to report project income. All projects will submit a Project Income Report on a quarterly schedule **only when** income was obtained within the reporting period. Project income is defined as any income resulting from grant-related activities, and may be utilized to meet the grant match requirements (if applicable). Asset forfeiture is included as project income, which could occur under the authorization of Penal Code §502.01. When a court case involving an asset seizure is completed, the forfeitures will be reported quarterly on the Project Income Reporting Transmittal (Form 234) as project income. Only the portion of funds forfeited and directly returned to the project will be reported on the Project Income Reporting Transmittal Form. Forfeitures do not become part of the award amount, but they can be documented as part of the project's match (if applicable).

According to guidelines, asset forfeiture funds are only to be expended in the following order:

1. Furtherance of the project activity;
2. Any criminal justice activity; or
3. Returned to OES.

OES leaves this decision at the local level; however, additional justification must be provided if selecting other than the first priority. Note: All forfeitures must also be reported in Progress Reports.

**FORFEITED ASSETS THAT BECOME PROJECT INCOME *WILL NOT* BE DEDUCTED FROM THE ORIGINAL GRANT AWARD AMOUNT.**

d. Funding Authorization

At the time of funding, each regional task force is required to obtain written authorization from the city council/governing board that the official executing the agreement is, in fact, authorized to do so, and will maintain said written authorization on file and readily available upon demand.

e. Property Accountability

At a minimum, accountability, maintenance, loss/replacement, and transfer of equipment purchased through grant funds will be as outlined in §2350-2380 of the *2006 Recipient Handbook*.

f. Confidential Funds

Confidential fund expenditures are costs that will be incurred by law enforcement agencies using project personnel working in an undercover or other investigative capacity. It may include the purchase of information, physical evidence (e.g., stolen high technology hardware or counterfeit software), or services. Confidential fund expenditures are only allowable for projects to state or local law enforcement agencies. All confidential funds must be expended within the award period or reallocated via a modification request prior to conclusion of the award period.

Confidential funds are those monies allocated to the purchase of services (P/S), purchase of evidence (P/E), and purchase of specific information (P/I). These funds should only be allocated when:

1. The particular merits of a program/investigation warrant the expenditure of these funds.
2. Requesting agencies are unable to obtain these funds from other sources.

Confidential funds are subject to prior approval. Such approval will be based on a finding that they are a reasonable and necessary element of project operations. In this regard, the approving agency must also ensure that the controls over disbursement of confidential funds are adequate to safeguard against the misuse of such funds.

Confidential Funds Certification - A signed certification that the project director has read, understands, and agrees to abide by these provisions is required from all projects that are involved with confidential funds. The signed certification must be submitted at the time of the grant application.

g. Source Documents

Applicants are reminded that source documentation must be maintained for three years from the conclusion of the award period.

## 2. Program Goals

The applicant shall address and provide expected projections for each of the following goals established for the ICAC Program:

- a. Serve as a resource for communities and agencies within its geographic service area.
- b. Conduct both proactive and reactive investigations into the computer/technology crimes perpetrated against children and youth.
- c. Serve as a forensic resource to affiliate agencies and other agencies within the Task Force's geographical area of service.
- d. Assist with the effective prosecution of cases at the appropriate level.
- e. Will effectively respond to referrals from agencies (other Task Forces, federal partners, cybertips, etc.)
- f. Engage in law enforcement and community outreach activities to include training, prevention, and education activities.
- g. Formalize law enforcement partnerships through a signed Memorandum of Understanding (MOU) which adopts federal ICAC Task force investigative standards.
- h. Provide financial assistance through partner agencies through training opportunities, equipment, etc., as funding allows.
- i. Participate fully in nationally-coordinated investigations.

## 3. Source Documentation

The applicant, when approved for funding, is required to maintain source documentation to support claimed expenditures and project accomplishments. Source documentation is defined as records used to validate project activities and achievements as they pertain to the objectives outlined in the grant award agreement. Information includes the following:



- Types of actions taken, e.g., (a) Number of ICAC-related referrals and requests received and forwarded to (b) the appropriate agencies (named).
- The numbers of (a) reactive and (b) proactive cases investigated.
- The number of forensic examinations completed (federal ICAC definition applies).
- The numbers of (a) federal and (b) state and local prosecutions submitted.
- The number of ICAC-related referrals to which the Task Force responded.
- The numbers of (a) community outreach and (b) law enforcement presentations conducted.
- A Memorandum of Understanding signed by all partner agencies which includes adoption of federal ICAC Task Force investigative standards.
- The (a) amount of financial assistance provided to (b) the partner agencies (named).
- The number of nationally-coordinated investigations in which the Task Force participated.

**Grant-related case files and an automated record tracking system should be maintained at the location where the grant activities occur.**

Projects must have on file written job-specific descriptions for all positions funded by a grant (2006 Recipient Handbook §2120). These job descriptions must detail specific grant-related project positions and activities, e.g., project staff, investigator, prosecutor, forensic computer analyst, etc. Where applicable, job descriptions will also include a statement addressing what position will be responsible for tracking project activities and maintenance of source documentation that supports data reported on progress reports.

#### **4. Mandated Progress Reports**

OES is obliged to ensure that funds received in support of this program are used effectively and efficiently. In order to receive funding under this state authorized program, city and county participants who received ICAC funds must collect and maintain statistics to be used in the OES semi-annual progress report.

#### **G. PREPARING AN APPLICATION**

Part IV - Forms includes an Application Cover Sheet. Please complete the Application Cover Sheet and attach it to the front of the application.

Please provide the nine required application components in the order listed below:

- Application Cover Sheet;
- Grant Award Face Sheet (OES A301);
- Project Contact Information;
- Certification of Assurance of Compliance;
- Signature Authorization and Instructions;
- Project Narrative;
- Budget Narrative and the Project Budget (OES A303a-c);
- Project Service Information; and
- Application Appendix (refer to Part II, C.).

**GOVERNOR'S OFFICE OF EMERGENCY SERVICES  
LAW ENFORCEMENT AND VICTIM SERVICES DIVISION**

**INTERNET CRIMES AGAINST CHILDREN PROGRAM (ICAC)  
REQUEST FOR APPLICATION**

**PART II – INSTRUCTIONS**

The instructions in this section correspond to each of the application components and to the forms required to complete the application.

The applicant must use the forms provided in “Forms” ([FORMS](#)) and plain 8½” x 11” white paper for the application. The blank Project and Budget Narrative pages on the website have been pre-formatted to OES standards. If you create your own computer-generated Project and Budget pages, the format must duplicate the OES pre-formatted pages.

Copies of the application must be assembled separately and individually fastened in the upper left corner. ***Do not bind application.***

**A. PROJECT NARRATIVE**

The project narrative is the main body of information describing the problem to be addressed, the plan to address the problem through appropriate and achievable objectives and activities, and the ability of the applicant to implement the plan.

**1. Problem Statement**

The problem statement is identified in the first year of funding. The statement must include the target area, populations, and crime trend statistics.

**2. Plan and Implementation**

**Plan:** The plan is presented in the first year of funding.

**Implementation:** The applicant's ability to implement the plan is presented in the first year of funding.

**Objectives and Activities:** Project Objectives and Activities (Limit to 2 pages per objective)  
This section of the application describes the goals for each component of the ICAC Program. Under each objective, describe the activities that will be implemented by the project and the predicted results (goals) that will be achieved during the 12-month grant award period. Projects funded under this program must implement objectives 1 through 9. Objectives and activities implemented for this grant award period must be comprehensive, measurable, and realistic.

**Obj. #1:** The Task Force will serve as a resource for communities and agencies within its geographic area.

- Activities\*
- Projected Goals: \_\_\_\_ (Name) **Number of ICAC-related referrals and requests received and forwarded to the (appropriate agency).**

**Obj. #2:** The Task Force will conduct both proactive and reactive investigations into the computer/technology crimes perpetrated against children and youth.

- Activities\*
- Projected Goals: \_\_\_\_/\_\_\_\_ **Numbers of reactive and proactive cases investigated.**

**Obj. #3:** The Task Force will serve as a forensic resource to affiliate agencies and other agencies within the Task Force's geographical service area.

- Activities\*
- Projected Goals: \_\_\_\_ **Number of forensic examinations completed.**

**Obj. #4:** The Task Force will assist, to the extent possible, with the prosecution of cases at the appropriate level.

- Activities\*
- Projected Goals: \_\_\_\_/\_\_\_\_/\_\_\_\_ **Numbers of cases submitted for federal, state, and local prosecution.**

**Obj. #5:** The Task Force will effectively respond to referrals from agencies (other task forces, federal partners, cybertips, etc.).

- Activities\*
- Projected Goals: \_\_\_\_ **Number of ICAC-related referrals to which the Task Force responded.**

**Obj. #6:** The Task Force will engage in law enforcement and community outreach to include training, prevention, and education activities.

- Activities\*
- Projected Goals: \_\_\_\_/\_\_\_\_ **Numbers of community outreach and law enforcement presentations conducted.**

**Obj. #7:** The Task Force will formalize law enforcement partnerships through signed Memoranda of Understanding (MOUs) which includes adoption of federal ICAC Task Force investigative standards.

- Activities\*
- Projected Goals: **A Memorandum of Understanding signed by all partner agencies which includes adoption of federal ICAC Task Force investigative standards.**

**Obj. #8:** the Task Force will provide financial assistance to participating agencies through training opportunities, equipment, etc., as funding allows.

- Activities\*
- Projected Goals: \_\_\_\_ (Name) **Amount of assistance provided to (participating agency).**

\* List Activities in narrative or bullet form, separately from Projected Goals.

**Obj. #9:** The Task Force will fully participate in nationally-coordinated investigations.

- Activities\*
- Projected Goals: \_\_\_\_\_ **Number of nationally-coordinated investigations in which the Task Force participated.**

\* List Activities in narrative or bullet form, separately from Projected Goals.

## **B. PROJECT BUDGET**

The purpose of the project budget is to demonstrate how the applicant will implement the proposed plan with the funds available through this program. Project costs must be directly related to the objectives and activities of the project. The budget must cover the entire grant period. In the budget, include **only** those items covered by grant funds, including match funds when applicable. The applicant may supplement grant funds with funds from other sources. However, since approved line items are subject to audit, the applicant should not include in the project budget matching funds (if applicable) in excess of the required match. Budgets are subject to OES modifications and approval.

OES requires the applicant to develop a **line item** budget which will enable the project to meet the intent and requirements of the program, ensure the successful and cost effective implementation of the project. Failure of the applicant to include required items in the budget does not eliminate responsibility to comply with those requirements during the implementation of the project. The applicant should refer to the *Recipient Handbook* at [www.oes.ca.gov](http://www.oes.ca.gov). Select “*Recipient Handbooks*” for additional information concerning OES budget policy or to determine if specific proposed expenses are allowable. Contact the person listed on page 1-subsection B of this RFA should you have additional budget questions.

### **1. Budget Narrative**

The applicant is required to submit a narrative with the project budget. The narrative must be typed and placed in the application in front of the budget pages. In the narrative describe:

- How the applicant’s proposed budget supports the objectives and activities.
- How funds are allocated to minimize administrative costs and support direct services
- The duties of project-funded staff, including qualifications or education level necessary for the job assignment. This does not take the place of the brief justification required in the line item budget.
- How project-funded staff duties and time commitments support the proposed objectives and activities.
- Proposed staff commitment/percentage of time to other efforts, in addition to this project.
- The necessity for subcontracts and unusual expenditures.
- Mid-year salary range adjustments.

## 2. **Specific Budget Categories**

There is an Excel Workbook in “Forms” ([FORMS](#)) with spreadsheets for each of the following three budget categories:

- Personal Services – Employee Salaries/Benefits;
- Operating Expenses; and
- Equipment.

Each budget category requires line item detail including the method of calculation and justification for the expense. Enter the amount of each line item in the right hand column of the Budget Category form. Charges must be clearly documented **and rounded up to the nearest whole dollar**. Enter the total amount of the budget category at the bottom of the form. If additional pages are needed, total only the last page of each budget category. The total of the budget including each funding source and/ or match amount must correspond to the amount of the Total Project Cost (block 10G) on the Grant Award Face Sheet. Additionally, the totals from each funding source or match must correspond to the Grant Award Face Sheet.

The bottom of the Equipment Category form contains a format for identifying the project total and fund distribution. This section must be completed and submitted even if there are no line items identified in the equipment category.

### a. **Personal Services – Salaries/Employee Benefits (OES A303a):**

#### 1) Salaries

Personal services include services performed by project staff directly employed by the applicant and must be identified by position and percentage of salaries. These may be salaried or hourly, full-time or part-time positions. Sick leave, vacation, holidays, overtime, and shift differentials must be budgeted as salaries. If the applicant's personnel have accrued sick leave or vacation time prior to the approval of grant funding, they may not take time off using project funds. Salaries for staff not directly employed by the applicant must be shown as participating staff (see *Recipient Handbook*, Section 4500) the Operational Expenses Category. Consultant services remain under Operating Expenses (refer to Part II, B.2.b. - Operating Expenses - paragraph two.)

#### 2) Benefits

Employee benefits must be identified by type and percentage of salaries. The applicant may use fixed percentages of salaries to calculate benefits. Budgeted benefits cannot exceed those already established by the applicant.

Employer contributions or expenses for social security, employee life and health insurance plans, unemployment insurance, and/or pension plans are allowable budget items. Benefits, such as uniforms or California Bar Association dues, are allowable budget items if negotiated as a part of an employee benefit package.

A line item is required for each different position/classification, but not for each individual employee. If several people will be employed full-time or part-time in the

same position/classification, provide the number of full-time equivalents (e.g., three half-time clerical personnel should be itemized as 1.5 clerical positions).

**b. Operating Expenses (OES A303b):**

Operating expenses are defined as necessary expenditures other than personal salaries, benefits, and equipment. Such expenses may include specific items directly charged to the project, and in some cases, when permitted by the funding source, an indirect cost allowance. The expenses must be grant-related (e.g., to further the program objectives as defined in the grant award), and be encumbered during the grant period.

The following items fall within this category: consultant services such as subcontractors, participating staff who are not employed by the applicant, travel, office supplies, training materials, research forms, equipment maintenance, software equipment rental/lease, telephone, postage, printing, facility rental, vehicle maintenance, answering service fees, and other consumable items. Furniture and office equipment with an acquisition cost of less than \$5,000 per unit (including tax, installation, and freight) and/or with a useful life of less than one year fall within this category. Otherwise these fall under equipment expenses.

Salaries for staff not directly employed by the applicant must be shown as consultant and/or participating staff costs (whichever is applicable per *Recipient Handbook* Sections 3710 and 4500) under the Operating Expenses category. These costs must be supported by an Operational Agreement (OA), which must be kept on file by the recipient and made available for review during an OES site visit, monitoring visit, or audit. In the case of grants being passed through a recipient to be operated by another agency, the staff from the second agency will be shown in the Operating Expenses category.

**c. Equipment (OES A303c):**

Equipment is defined as nonexpendable tangible personal property having **a useful life of more than one year** and an acquisition cost of \$5,000 or more per unit (including tax, installation, and freight).

A line item is required for different types of equipment, but not for each specific piece of equipment (e.g., three laser jet printers must be one line item, not three).

**C. APPLICATION APPENDIX**

The Application Appendix provides OES with additional information from the applicant to support components of the application. The following must be included unless otherwise noted:

- The Application Appendix must include a **current organizational chart** with all positions funded by the project, including supervisors as appropriate. It must show the relationships between the governing body, the organization, the project, project staff, project volunteers and the lines of supervision. Job titles on the organizational chart must match those in the Budget.
- Operational Agreements (Memoranda of Understanding): *OAs must contain original signatures, titles, and agency names for both parties and include dates effective for the proposed grant period.* This document must demonstrate a formal system of networking

and coordination with other agencies and the applicant. A sample OA is provided in *“Forms”* ([FORMS](#)).

- Project Summary
- Noncompetitive Bid Request (if applicable)
- Out of State Travel Request, OES 700 (if applicable)
- Computer and Automated Systems Purchase Justification Guidelines (if applicable)

# INTERNET CRIMES AGAINST CHILDREN PROGRAM (ICAC) REQUEST FOR APPLICATION

## **PART III – ADDITIONAL INFORMATION**

The applicant is strongly encouraged to review the following sections in preparing the application.

- A. Finalizing the Grant Award Agreement
- B. Administrative Requirements
- C. Budget Policy
- D. Glossary of Terms

### **A. FINALIZING THE GRANT AWARD AGREEMENT**

#### **1. Standard Project Funding Authority**

**Allocation of funds is contingent on the enactment of the State Budget.** OES does not have the authority to disburse funds until the budget is passed and the Grant Award Agreement is fully executed. Expenditures incurred prior to authorization are made at the project's own risk and may be disallowed. When the executed grant is received, and the State Budget is finalized, authorized expenditure reports may be submitted for reimbursement of expenditures incurred subsequent to the effective date of the grant award agreement.

If, during the term of the grant award, the state and/or federal funds appropriated for the purposes of the grant award are reduced or eliminated by the California Legislature or the United States Government, or in the event revenues are not collected at the level appropriated, OES may immediately terminate or reduce the grant award by written notice to the recipient. However, no such termination or reduction shall apply to allowable costs already incurred by the recipient to the extent state or federal funds are available for payment of such costs.

OES Grant Award Agreements are subject to applicable restrictions, limitations, or conditions enacted by the California Legislature and/or the United States Government, subsequent to execution of the Grant Award Agreement.

#### **2. Grant Award Conditions**

OES may add one or more grant award conditions to the Grant Award Agreement prior to or after funding. If conditions are added, they will be discussed with the applicant and a copy of the conditions will be sent to the grant recipient when the conditions are made part of the Grant Award Agreement. Grant award conditions may include requirements for sole source justification, a computer feasibility study, or other requirements deemed necessary by OES.

#### **3. Grant Award Agreements**

A copy of the executed Grant Award Agreement and pertinent attachments will be sent to the Project Director. The recipient is not authorized to incur costs against the grant until a copy of the fully executed Grant Award Agreement is received. When the executed grant is received and the State Budget is finalized, the Report of Expenditures and Request for Funds (OES 201) may be submitted for reimbursement.



#### **4. Grant Award Amounts**

When the amount of funds available is limited, OES may reduce the amount of the grant award from the amount requested by the applicant. In addition, OES reserves the right to negotiate budgetary changes with the applicant prior to executing the Grant Award Agreement. If either of these actions is required, OES will notify the applicant prior to executing the Grant Award Agreement.

### **B. ADMINISTRATIVE REQUIREMENTS**

#### **1. The Recipient Handbook (RH)**

The *Recipient Handbook* is accessible on the OES Internet website at [www.oes.ca.gov](http://www.oes.ca.gov) by selecting “*Recipient Handbooks*.” The *Recipient Handbook* contains administrative information and requirements necessary to implement the project. Recipients must administer their grants in accordance with the *Recipient Handbook* requirements. Failure to comply with these requirements can result in the withholding or termination of the grant award.

The information below may be cross referenced with the *Recipient Handbook* (RH) by referencing the handbook section number.

#### **2. Internet Access (RH 11500)**

Funded projects are required to maintain Internet access with an established e-mail address. Grant funds may be used for this purpose unless specifically prohibited by the terms of the program.

#### **3. Progress Reports and Data Collection (RH 10100)**

Funded projects are required to participate in data collection and to submit progress reports required by the program. Projects are required to keep accurate records to document the information reported in the progress reports. The records must be kept by the project for a period of three years. During site/monitoring visits, OES will review these records for accuracy and compare them with the reported data submitted on the progress reports.

#### **4. Monthly/Quarterly Report of Expenditures and Request for Funds (OES 201) (RH 6300)**

Community-based organizations shall submit a monthly Report of Expenditures and Request for Funds (OES 201) unless they request a quarterly reporting period. Government and education agencies receiving funds will be required to report on a quarterly basis. This form is due within 30 calendar days of the end of the reporting period and must be submitted whether or not the project has incurred expenses. Delays in submitting the form OES 201 will result in the withholding of funds and may result in the recommendation to OES' Executive Director for termination of the grant award.

#### **5. Technical Assistance/Site Visits (RH 10300)**

Funding projects are assigned an OES program specialist to oversee the progress of the project in achieving its goals, objectives and compliance with the Grant Award Agreement. Program specialists are available to assist the project in the successful implementation of the project and in meeting the administrative requirements of the Grant Award Agreement. New projects should expect a site visit from the assigned program specialist within the first six months of the grant period. Follow-up site visits will be conducted periodically

throughout the life of the grant. Projects may request a site visit to obtain technical assistance.

## **6. Monitoring Requirements (RH 10400)**

A monitoring visit is an onsite assessment by OES staff to determine if the project is in compliance with the terms of the program, the Grant Award Agreement, the Program Guidelines, the RFA/RFP, and the *Recipient Handbook*. Projects will be monitored on a random or as-needed basis.

## **7. Bonding Requirements (RH 2160)**

Private community-based organizations (CBO) and American Indian organizations are required to obtain and send to OES a notarized copy of a blanket fidelity bond or equivalent insurance contract applicable to officials and employees of OES-funded projects within 60 days of the signed Grant Award Agreement. Failure to comply with this requirement may result in the withholding of grant funds or termination of the Grant Award Agreement. The beneficiary named on the bond or an endorsement must include the "State of California, Governor's Office of Emergency Services" and include the Grant Award number for identification purposes.

The time period covered by the bond must include the effective date and time period of the grant, including extensions. The bond must be in an amount equal to 50 percent (50%) of the total grant award and may have a deductible in an amount not to exceed one percent (1%) of the bond.

A bond is not required of a recipient sponsored by units of government. CBOs sponsored by units of government may submit documentation indicating this in lieu of the bond or insurance contract, unless specifically required terms of the program or grant award conditions.

## **8. Audit Requirements (RH 8100)**

Recipients must arrange for an independent audit of the grant award and may budget a portion of the audit costs. Instructions for budgeting funds for audit costs are outlined in the *RH* Section 2234.

## **9. Copyrights, Rights in Data, and Patents (RH 5300)**

OES owns rights of and reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, and use, in whole or in part, material produced by activities supported by a Grant Award Agreement. These ownership rights are detailed in the *Recipient Handbook*.

## **10. Source Documentation (RH 10111)**

Recipients are required to maintain source documentation to support claimed expenditures and project accomplishments. Source documentation is defined as records used to validate project activities and achievements as pertaining to the objectives outlined in the Grant Award Agreement. Recipients are to retain source documentation for progress reports on a quarterly basis regardless of submission requirements. Requirements and definitions for program specific source documentation are delineated in the terms of the program. Recipients will be required to have written job descriptions on file for positions funded by OES detailing specific grant-related activities to achieve project objectives.

## C. **BUDGET POLICY**

This document summarizes information on OES Budget Policy contained in the *Recipient Handbook*. Additional information may be obtained by accessing the *Recipient Handbook* at [www.oes.ca.gov](http://www.oes.ca.gov) by selecting “*Recipient Handbooks*.”

### 1. **Supplanting Prohibited (RH 1313)**

Grant funds must be used to supplement existing funds for program activities and ***not replace*** funds appropriated for the same purpose. A written certification must be provided to OES indicating the grant funds will not be used to supplant existing funds. Supplanting will be the subject of application review, post-award monitoring, and audit. The rules on supplanting are found in Section 1313 of the *Recipient Handbook*.

### 2. **Project Income (RH 6610)**

Project income such as client fees and fees for services provided by the project (i.e., training, presentations, etc.), asset forfeitures, profits from the sale of project products, and conference proceeds as the result of a direct trade of time or products for money, must be used to offset or augment the grant unless otherwise specified in the RFA instructions. Project income cannot be used as matching funds unless otherwise specified in the RFA instructions.

### 3. **Contract and Procurement (RH 3400)**

A competitive bid process is required to purchase equipment or consultant services with grant funds. Noncompetitive bid contracts are disfavored. Noncompetitive bid request approval by OES program staff is required prior to the purchase of equipment in excess of \$5,000, or to hire a specific consultant charging over \$5,000. Local units of government may use their approved procurement policy except for contracts over \$50,000, which requires prior OES approval. For organizations without a written procurement policy, a competitive bid process involves determining the specifications for the items needed and obtaining at least three bids from different vendors. Whenever a specific individual/organization name is identified in the project budget, a noncompetitive bid request will be required. OES will provide assistance in submitting a noncompetitive bid request if OES determines it is in the best interest of the project. These procedures do not apply to funds shared with participating agencies under the terms of an Operational Agreement (see Section 4500, *Recipient Handbook*).

### 4. **Match Policies (RH 6500)**

The RFA Instructions (Part II) may specify a cash or in-kind match. When used to augment the project, expenditures for items such as Personal Services, Operating Expenses, or Equipment are considered match if not in violation of the prohibition on supplanting. Match specified in the budget will become part of the grant award. (Specific instructions for calculating the match are provided in Sections 6550 – 6550.2 of the *Recipient Handbook*.)

## 5. **Travel Policies**

The following is OES' current travel policy:

### a. **Selection of Travel Policy (RH 2236)**

The applicant may prepare the budget using its own travel policy or the state travel policy according to the following guidelines. Travel reimbursement will only be allowed based on actual costs.

#### 1) Units of Government

Units of government may use their own written travel policy or the state policy.

#### 2) Community-Based Organizations (CBO)

A community-based organization may use the state travel policy or the applicant's written policy up to the maximum rates allowed by the state travel policy.

### b. **State Travel Policy (RH 2236.2)**

Use the following state travel policy for budgeting travel expenses:

#### 1) Out-of-State Travel

Out-of-state travel is restricted and only allowed in exceptional situations. Requests for approval for out-of-state travel must be submitted for OES approval.

#### 2) Mileage

When a privately owned vehicle is utilized on project-related business, a maximum of 48.5 cents per mile is allowed, unless a higher rate is justified. Documentation justifying a higher rate must be on file and available for audit, but should not be submitted with the application.

#### 3) Meals and Incidentals

##### a) Breakfast \$6.00

Breakfast may be claimed when travel commences at or prior to 6:00 a.m. Breakfast may be claimed on the last fractional day of a trip of more than 24 hours if travel terminates at or after 8:00 a.m.

##### b) Lunch \$10.00

Lunch may not be claimed for travel less than 24 hours. Lunch may be claimed if the trip begins at or before 11:00 a.m. and may be claimed on the last fractional day of a trip of more than 24 hours if the travel terminates at or after 2:00 p.m.

c) Dinner \$18.00

Dinner may be claimed if the trip begins at or before 4:00 p.m. Dinner may be claimed when travel terminates at or after 7:00 p.m., whether on a one-day trip or on the last day of a trip of more than 24 hours.

d) Incidentals \$6.00

Incidentals may be claimed for trips of 24 hours or more.

e) Total Per Diem

Total is \$40.00 for a 24-hour period.

4) Lodging

The maximum allowed lodging rate is \$84.00, plus applicable taxes (except as noted below). Lodging receipts are required for reimbursement.

5) Special Lodging Rates

The maximum allowed lodging rate in Los Angeles and San Diego counties is \$110, plus applicable taxes. The maximum for Alameda, San Francisco, San Mateo, and Santa Clara counties is \$140, plus applicable taxes.

6) Other

Taxi, airport shuttle, etc. which exceed \$3.50 must be supported by receipt. Parking in excess of \$10.00 must be supported by receipt.

**6. Participating Staff**

The term “participating staff” refers to salaried employees of a participating agency assigned to work with the recipient on the implementation of project. The agreement between the recipient and the participating agency concerning participating staff must be reflected in the OA. Grant related costs associated with participating staff must be itemized in the operating expenses category of the grant budgets.

**7. Consultant Services (RH 3710)**

Consultant services are provided on a contractual basis by individuals or organizations not direct employees of the applicant (see *Personal Services – Salaries*). Independent contractors must not be used in lieu of employees. Independent contractors are defined as individuals or organizations meeting some or all of the following criteria:

- produce a specific product or service;
- work independently without direct supervision from the applicant;
- work on specific projects;
- provide services for a limited number of hours or period of time; and/or,
- have no agency management or oversight responsibilities directed toward the financial success or direction of the agency.

**a. Rates**

The maximum rate for independent contractors is \$250 per hour (excluding travel and subsistence costs). A request for compensation for over \$250 per hour requires **prior approval** and additional justification.

1) Independent Contractors Employed by State and Local Government

Compensation for independent contractors will be allowed when the unit of government can not provide services without this cost. In these cases, the rate of compensation is not to exceed the daily salary rate paid by the unit of government.

**b. Expert Witness Fees (RH 3710.2)**

Projects, which routinely utilize “expert witnesses” as independent contractors to conduct evaluations and provide expert testimony in the courtroom, may budget for this expense. However, the project may only be charged for costs above what the jurisdiction is required to cover. The maximum allowable rate for witness fees is \$250 per hour up to \$2,000 per day. The total amount budgeted for expert witness fees must not exceed ten percent (10%) of the project’s total budget. Requests for proposed expert witness costs must be accompanied by written justification indicating the following:

- qualifications, training, and experience of the expert(s). Include a statement regarding recognition by the court of the individual as an expert;
- specialized certification/licensure [e.g., Masters in Social Work (MSW); Licensed Clinical Social Worker (LCSW), Marriage and Family Therapist (MFT), Medical Doctor (MD)];
- rate of pay per hour, including documentation of a survey of the availability of similar consultants, the current “going rate,” and the proposed rate of pay with a cost breakdown if expert is paid according to services (e.g., mileage, waiting time, court testimony);
- proposed services to be provided (e.g., analysis of forensic evidence, psychological evaluation);
- justification for why this cost cannot be paid with county funds (attach the justification to OES A303b).

**8. Facility Rental (RH 2232)**

Up to \$21 per square foot annually (\$1.75 per square foot per month) is allowed for facility rental. If the rental cost for office space exceeds this rate, it must be consistent with the prevailing rate in the local area. This documentation must be on file and available for audit and should not be submitted with the application. Rental space for training and individual and/or group counseling rooms may also be charged to the grant providing the charge is based on actual costs and not reimbursed by other source.

**9. Rented or Leased Equipment (RH 2233)**

An explanation and cost analysis is required when equipment rented or leased. This analysis must demonstrate it is more cost-effective to rent or lease the equipment than it is to purchase it, and must be approved by OES prior to the execution of a rental or lease agreement.

## **10. Indirect Costs/Administrative Overhead (RH 2220)**

Indirect costs are those not readily itemized or assignable to a particular project, but necessary to the operation of the organization and the performance of the project. The costs of operating and maintaining facilities, accounting services, and administrative salaries are examples of indirect costs. Flat rates not exceeding ten percent (10%) of personnel salaries (excluding benefits and overtime) or five percent (5%) of total direct project costs (excluding equipment) may be budgeted by the applicant for indirect costs if allowable by the funding source.

## **11. Audits (RH 8150)**

OES projects expending \$25,000 or more of OES grant awards are required to complete and audit. The project may budget for the cost of obtaining a financial audit. Allowable audit costs are as follows:

- if the total amount of the grant is less than or equal to \$150,000, the project may budget up to \$2,000 for the financial audit cost; or
- if the total amount of the grant is greater than \$150,000, the project may budget up to one and a half percent (1.5%) of the total grant for financial audit costs.

## **12. Equipment (RH 2300)**

Equipment is defined as nonexpendable tangible personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit (including tax, installation and freight).

A line item is required for each different type of equipment, but not for each specific piece of equipment (e.g., three laser jet printers should be one line item, not three).

### **a. Allowable Expenses**

Equipment may be budgeted if it is essential to the implementation of the project and to be used solely for project activities. Grant funds may not be used to reimburse the project for equipment already purchased.

Rented or leased equipment must be budgeted as an Operating Expense. Lease-to-purchase agreements are generally not allowable. If a lease-to-purchase is requested, the project will be required to submit justification, including cost-effectiveness. Prior approval by OES is required.

### **b. Computers (RH 2340)**

#### **1) Community-Based Organization (RH 2242.1)**

Community-based organization may budget up to \$25,000 in computer equipment, software, and related costs. OES will evaluate the proposed purchase on the basis of grant-related need. Prior approval by OES is required. The Recipient will be sent instructions for preparing the justification.

#### **2) Units of Government (RH 2342.2)**

Units of government may budget for computer equipment, software, and related costs. OES will evaluate the proposed purchase on the basis of grant-related



need. OES must give approval prior to purchase. If federal grant funds totaling in excess of \$100,000 are used for automated data processing purchases, prior federal approval is also required. The Recipient will be sent instructions for preparing the justification.

3) Computer Purchase Justification (RH 2341)

Approval for purchases of computers and automated equipment is contingent on the applicant's ability to demonstrate cost-effective, project-related need which is best demonstrated by clearly relating each computer system or component to the grant objectives and activities. The Recipient will be sent instructions for preparing the justification.

**c. Automobiles (RH 2331)**

Automobiles are not allowable items unless permitted by the terms of the program. If an automobile is included in the budget, substantial justification demonstrating the grant-related need will be required before finalization of the Grant Award Agreement. The justification must describe the need for the automobile, including the size of service area, the need to provide direct service away from the office, and the reason why the agency will not allow personal automobiles usage during work hours. A cost analysis for automobile purchase as compared to other options including lease and personal automobile use and mileage, must be done and kept on file for review by OES's program staff during a site visit, monitoring visit, and/or audit.

**13. Prohibited Expense Items (RH 2240)**

**a. Lobbying (RH 2242)**

Refer to RH 2242.1 for an extensive list of prohibited activities.

**b. Fundraising (RH 2243)**

OES grant funds cannot be used for organized fundraising including financial campaigns, endowment drives, solicitation of gifts and bequests, or similar expenses incurred solely to raise capital or obtain contributions.

**c. Real Property and Improvements (RH 2244)**

Real property including land, land improvements, structures and their attachments, and structural improvements and alterations are not allowable expenditures unless authorized in the RFA instructions.

**d. Interest (RH 2245)**

The cost of interest payments is not an allowable expenditure unless the cost is a result of a lease/purchase agreement.

**e. Food and Beverages (RH 2246)**

The cost of food and/or beverages at grant-sponsored conferences, meetings, or office functions is not an allowable expenditure.



**f. Weapons and Ammunition (*RH 2247*)**

The cost of weapons and/or ammunition of any type are not an allowable expenditures unless they are part of a governmental negotiated benefit package or are specifically authorized in the RFA instructions.

**g. Membership Dues (*RH 2248*)**

The cost of membership dues for the licensing or credentialing of professional personnel is not an allowable expenditure unless it is part of a governmental negotiated benefit package or is specifically authorized in the RFA instructions.

**h. Professional License (*RH 2248*)**

The cost of a professional license is not an allowable expenditure unless specifically authorized in the RFA instructions.

**i. Annual Professional Dues or Fees (*RH 2248*)**

The cost of professional dues or fees are not allowable expenditures unless it is part of a governmental negotiated benefit package or are specifically authorized in the RFA instructions.

**j. Charges, Fees and Penalties (*RH 2245*)**

Finance charges, late payment fees, penalties, and returned check charges are not allowable expenditures.

**k. Depreciation (*RH 2249*)**

Equipment costs may not include additional costs calculated for depreciation.

## GLOSSARY OF TERMS

Term	Definition
Activity	The specific steps or action a project takes to achieve a measurable objective.
Application	Once selected for funding, the original proposal and additional forms as required by OES becomes the application. This application, once signed by the OES director or designee and the local government agency or organization authorized to accept grant funding, becomes the Grant Award/Grant Award Agreement.
Community-Based Organization (CBO)	A documented, tax exempt, nonprofit, public benefit corporation serving the community. This term is used synonymously with nonprofit organization.
Equal Employment Opportunity Plan (EEOP)	A comprehensive plan analyzing the agency's workforce and all agency employment practices to determine their impact on the basis of ethnicity and gender.
EEOP Guidelines	Extensive description of state and federal civil rights requirements and what constitutes an EEOP (samples, forms, etc.). The document was prepared to assist recipients in ensuring nondiscrimination and in the development, implementation, and/or improvement of their EEOP for compliance with the law.
Grant Award/Grant Award Agreement	The signed agreement between OES and the local government agency or organization authorized to accept grant funding.
Grant Award Forms	The forms needed to prepare an application or proposal. They may be accessed on the OES website under " <i>Forms</i> " ( <a href="#">FORMS</a> ).
Grant Funding Cycle	The number of years a program <b>may</b> be funded without soliciting a new competitive Request for Proposal. A funding cycle is typically three years.
Grant Funding Period	The period of time, determined by the Request for Proposal (RFP) or the Request for Application (RFA) which the project narrative, objectives, activities, and budget cover. The time period is usually one year, and is shown on the Grant Award Face Sheet (OES A301).
Implementing Agency	The agency or organization designated on the Grant Award Face Sheet responsible for the day-to-day operation of the project (e.g., probation department, district attorney, sheriff).
Noncompetitive Bid Contract	A contract for goods or services, where only a single source that can provide the services or goods is afforded the opportunity to offer a price for the specified services or goods. (Contracts sometimes include goods as well as services, and this definition will also apply to those circumstances.)
Nonprofit Organization	A documented, tax exempt, nonprofit, public benefit corporation serving the community. The term is used synonymously with CBO.
Objectives	A set of quantifiable projections to be carried out in order to accomplish the program goals.

Term	Definition
Operational Agreement (OA)	A formal agreement between two agencies which specifies the responsibilities of each agency in implementing the project, including the transfer of grant funds when appropriate. This includes MOUs, Letters of Intent, etc.
Participating Agency	An organization that receives grant funds through an Operational Agreement to participate in achieving the goals of a project. The participating agency must be a unit of government or a community-based organization.
Program	A specific set of goals and objectives established pursuant to legislative, congressional, or administrative action identifying an unmet need of law enforcement or victim services and supported by an appropriation from state or federal funding sources.
Program Guidelines	The instructions concerning the programmatic and administrative requirements unique to a particular OES grant-funded program.
Project	The implementation of a program's goals and objectives by a funded state or local government agency or CBO.
Proposal	The packet of information and forms required by the RFP and submitted to OES which specifies the priorities, strategies and objectives of the applicant.
Recipient	The agency or organization designated on the Grant Award Face Sheet which receives the grant funds and who will be responsible for accomplishing the planned objectives and program goals (e.g., County of Alameda, City of Fresno, State Department of Justice, Fairfield Youth Services Bureau).
Recipient Handbook	This handbook outlines the administrative and fiscal terms and conditions required of grant projects. Funded projects must administer their grants in accordance with these conditions. The <i>Recipient Handbook</i> is accessible on the OES website at <a href="http://www.oes.ca.gov">www.oes.ca.gov</a> by selecting "Recipient Handbooks."
Request for Application (RFA)	The RFA is a packet of instructions and forms issued by OES to obtain applications from applicants through a noncompetitive process.
Request for Proposal (RFP)	The RFP is a packet of instructions and forms issued by OES to solicit competitive proposals in order to select projects for funding.
Supplanting	Supplanting is the deliberate reduction of federal, state, or local funds due to the existence of OES funds thereby reducing the total amount available for the stated purpose.
Terms of the Program	The applicable Program Guidelines, application requests [Request for Proposal (RFP)/Request for Application (RFA)], grant award agreement, OES policy statements, and applicable statutes. In the event the terms of the program are inconsistent with the provisions of this handbook, the terms of the program shall be interpreted and construed as superseding the provisions of this handbook.